

**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

CWP No.18797 of 1995  
Date of decision:04.05.2013

Miss Kultar Kaur Kalsi

.....Petitioner

Versus

State of Punjab & others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: None for the petitioner.

Mr.Aman Bahri, Addl.A.G., Punjab.

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**G.S.Sandhawalialia J. (Oral)**

1. Challenge in the present writ petition is to the memorandum of chargesheet dated 10.10.1994 (Annexure P-12), issued to the petitioner or in the alternative, issue time bound instructions to the respondents for completion of the enquiry and grant her permission to engage an Advocate during the course of enquiry. The relief of grant of General Provident Fund, gratuity and full pensionary benefits including interest were also prayed for.

2. A perusal of the writ petition goes on to show that the petitioner retired on 30.11.1994 and the chargesheet was issued just before superannuation and the Enquiry Officer was appointed on 26.06.1995. The petitioner made representation dated 01.08.1995 that her retiral benefits had not been disbursed to her and harassment had been caused to her on one count or the other and that disciplinary proceedings be dropped and retiral benefits be paid to her.

3. In the written statement filed on behalf of respondents No.1 to 5, it was stated that as per the Enquiry Officer, the petitioner was not cooperating in the enquiry and the request of the petitioner for engaging an

Advocate was considered and rejected under the Rules. The leave encashment had been sanctioned on 23.01.1995 and the provisional pension to the tune of 75% had been sanctioned on 29.06.1995. Similarly, the General Provident Fund had been sanctioned on 13.03.1996 and paid on 19.04.1996. However, the death-cum-retirement gratuity had been withheld under Rule 2.2 (C) of the Civil Services Rules Volume II which was to be released after the final outcome of the enquiry and the final orders passed by the competent authority.

4. No one has put in appearance on behalf of the petitioner and the counsel representing the petitioner has long since expired.

5. Accordingly, a direction is issued to respondents No.1 & 2 that the enquiry proceedings, if not already finalized, shall be finalized within a period of 6 months and appropriate action be taken on the said enquiry report. In case the petitioner is exonerated, then her death-cum-retirement gratuity shall be disbursed to her along with interest @ 8% per annum from the date it became due. However, in case some liability is fixed upon her, then the respondents shall take steps, in accordance with law and it shall be open to the petitioner to challenge the said orders, in accordance with law. It is, however, made clear that since the latest position is not brought to the knowledge of the Court, this order is being passed. In case the proceedings have already finalized, then no further action would be required to be taken except as noticed above. The petitioner is granted liberty to file appropriate application, if need so arises.

6. Writ petition is disposed of in the above-said terms.